

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

RAYMOND BUTLER

v.

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Criminal No. – JFM-08-0442
Civil No. JFM-13-3804

MEMORANDUM

Raymond Butler has filed a motion under 28 U.S.C. § 2255. The motion will be denied.

Butler pled guilty to conspiracy to distribute and possess with intent to distribute five grams or more of cocaine base and 500 grams or more of cocaine. In his guilty plea he reserved the right to challenge the validity of the wiretap during which he was overheard. He appealed to the United States Court of Appeals for the Fourth Circuit. The Fourth Circuit ruled against him.

In the present petition Butler claims that (1) an agent perjured himself in the grand jury by testifying that drugs were found on his person rather than on the ground near a co-defendant, (2) his counsel was ineffective in not pursuing the false testimony issue and (3) his counsel was ineffective in abandoning the motion to suppress wiretap evidence.

The Government acknowledges that an agent did testify inaccurately in the grand jury as to the location where certain drugs were found. However, Butler has not alleged any facts from which can be inferred that the agent perjured himself, rather than simply testifying inaccurately. Moreover, Butler was not charged with possession of the drugs in question and he pled guilty to conspiracy.

Because there is no merit to Butler’s false testimony claim, his further claim that his counsel was ineffective in not pursuing the issue likewise fails. Further, the record is clear that his counsel was not ineffective in “abandoning” the motion to suppress wiretap evidence. Indeed, as stated above, counsel pursued the wiretap issue in the Fourth Circuit.

A separate order denying Butler’s motion is being entered herewith.

Date: March 14, 2014 _____/s/
J. Frederick Motz
United States District Judge